

BOARD OF SELECTMEN

Minutes of the Meeting of 16 August 2006 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Kopko and Whiting Willauer. Michael Glowacki was absent. Chairman Willauer called the meeting to order at 6:00 PM.

Announcements. Chairman Willauer announced that Senator Kennedy and Representative Delahunt would be on board the "Weatherly" in a sailing race tomorrow.

Public Comment. A Pine Street resident objected to receipt of a parking ticket for parking overnight in the Silver Street lot.

Approval of Payroll Warrant for Week Ending 13 August 2006. Mr. Bennett moved to approve the warrant. Mr. Chadwick seconded. So voted.

Approval of Pending Contracts for Week Ending 16 August 2006. Mr. Bennett moved to approve the pending contracts. Mr. Chadwick seconded. So voted.

Public Hearings.

1. Public Hearing to Consider a Request for Alteration of Existing Automatic Amusement Devices License of The Brotherhood, Don Kolp, Manager, for the Premises Located at 23 Broad Street (continued from 19 July 2006). Chairman Willauer opened the Public Hearing. Larry Whelden, proprietor of the Brotherhood, outlined his request for the alteration of the pool table operation hours to remove the previously imposed use restrictions and for the addition of a juke box to the current license. No one spoke in opposition. Mr. Kopko inquired about the sound level and amplification. Mr. Whelden advised that the juke box, when used, would override the existing system at the same level. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the request. Mr. Kopko seconded. So voted.

2. Public Hearing to Consider the Application for a New Annual Wine and Malt Package Store License, Somwong Kyomitmaitee, Manager, for the Premises Located at 12 Nobadeer Farm Road. On behalf of the applicant, Attorney Emily Avery requested that the Board delay the hearing to 7:00 PM as per the meeting notice to abutters. The Board consented to this.

3. Public Hearing to Consider Annual Consumer Price Index Increases for All Landfill User Fees (continued from 19 July 2006). Chairman Willauer opened the public hearing. DPW Director Jeff Willett provided an explanation of the contractual agreements with Waste Options that necessitate the increases. No one spoke in for or against the proposed increases. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the CPI increases for all landfill user fees as recommended (attached). Mr. Kopko seconded. So voted. (See item # 4 below for effective date.)

4. Public Hearing to Consider Fee Increase for "Hard-To-Handle" Waste Items and to Include Residential/Household Construction and Demolition Waste in the Commercial C & D Rate (continued from 19 July 2006, June 21, 2006 and 7 June 2006). Chairman Willauer opened the public hearing. Mr. Willett provided background information and requested one correction to the fee for CRTs from \$15.50/unit to \$15/unit to eliminate the need for making change at the scale

house. Discussion followed on the added work to Waste Options Nantucket for operational issues with weighing of residential C & D. Mr. Willett asked the Board to consider other options for revenue and spoke about raising the contribution from the general fund to offset lost revenue or to require all vehicles to be stickered in order to enter the landfill. Finance Director Connie Voges noted that retained earnings are being used to balance the FY 07 budget, but added that the question arose in earlier discussions about charging the residential rates to affect future budgets. Mr. Kopko shared concerns about enforcement at the landfill, asked about surveillance possibilities and suggested reconfiguration of the layout to place the residential C & D scarp metal in an area separate from the commercial area. Mr. Bennett noted his support of the sticker purchase requirement. Town Counsel Paul DeRensis cautioned the Board about implementing a residential sticker program tonight as that would be sufficiently different from what has been advertised for tonight. Resident John Johnson shared concerns about potential dumping in the moors if residential charges are implemented. There was no further public comment. Chairman Willauer closed the public hearing. Mr. Kopko moved to approve the increase for "hard-to-handle" waste, CRT's and refrigeration units from \$10/unit each to \$28/unit, \$15/unit and \$31/unit respectively. Mr. Chadwick seconded. Discussion followed on "hard-to-handle" waste items. Mr. Bennett spoke in support of stickers over the increases as presented. On the motion, Mr. Kopko, Mr. Chadwick and Chairman Willauer voted in favor. Mr. Bennett voted in opposition. Chairman Willauer noted that there was no motion regarding the increases for residential scrap metal and residential C&D, but that the commercial scrap metal charge increase to \$129/ton has been approved in the vote regarding CPI increases. Mr. Kopko amended his motion to include September 15, 2006 as the effective date for this increase as well as the CPI increases. Mr. Chadwick seconded. So voted.

Town Administrator's Report.

1. Entertainment Licensee/Starlight Theatre: Request for Late Night Showing of Movie on Sunday, August 20, 2006. Mark Watson described the request. Frank Spriggs spoke in favor of approval. No one spoke in opposition. Mr. Bennett moved to approve the request for the screening of the "Pirates of the Caribbean" at 12:15 AM. Mr. Chadwick seconded. So voted.

Selectmen's Report/Comment.

1. Appointments to Committees/Commissions/Boards (Phase IV): Advisory Committee of Non-Voting Taxpayers, Cable TV Advisory Committee, Commission on Disability, Cultural Council, Scholarship Committee, Visitor Services & Information Advisory Committee and Zoning Board of Appeals (Alternate). Chairman Willauer asked for the pleasure of the Board regarding the appointment of the one respondent to the advertisement. Mr. Chadwick noted the process in place to hear the applicant at tonight's meeting and the Board consented to make the appointment on September 6, 2006. Christine Silverstein spoke regarding her interest in the Cable TV Advisory Committee. There were no further comments.

2. Appointment to Harbor Plan Advisory Committee. Chairman Willauer advised that the Nantucket Marine Trades Association has recommended Tom Mleczo as its representative. Mr. Chadwick moved to endorse Mr. Mleczo's appointment to the Harbor Plan Advisory Committee. Mr. Kopko seconded. So voted.

3. Action to Re-establish Committee to Make Recommendations on Island Auto Limitations. Mr. Kopko asked that the discussion of agenda items 3 and 4 regarding island automobile limitations and the agenda protocol review be moved to next week when Mr. Glowacki is able to be present. Mr. Bennett encouraged the Board to proceed with discussions. Mr. Chadwick noted agreement with Mr. Kopko's suggestion. Chairman Willauer suggested that discussion about the matter should occur, but that action be held for the next meeting. Leslie Johnson noted her preference to discuss the matter. Christine Silverstein spoke regarding the auto limitations legislation. Discussion followed on the specificity of the language of the petition and the prior involvement and assistance of the legislators and the liaison. Mr. Kopko noted his support in concept of re-establishment of the committee to include Legislative Liaison Tim Madden. Mr. Bennett moved to continue the matter until next week. Mr. Chadwick seconded. So voted.

4. Review of Agenda Protocol (continued from 9 August 2006). The Board consented to continue the matter to August 23, 2006. Mr. Chadwick seconded. So voted.

Public Hearings (continued)

Public Hearing to Consider the Application for a New Annual Wine and Malt Package Store License, Somwong Kyomitmaitee, Manager, for the Premises Located at 12 Nobadeer Farm Road.

Chairman Willauer opened the public hearing. Emily Avery spoke on behalf of the applicant for an annual wine and malt package store license on Nobadeer Farm Road at the corner of Sun Island Road, noting the Planning Board requirement for a store in the Nobadeer Meeting House major commercial development across the street. David Provost of 17 Nobadeer Farm Road and the Head of School at Nantucket New School located at 15 Nobadeer Farm Road spoke in opposition on behalf of the school's students, the Small Friends Day Care Center located at 19 Nobadeer Farm Road and the Strong Wings Adventure School located at 9 Nobadeer Farm Road. He spoke to the dangers of the island-wide use of alcohol as well as the traffic that he felt would make the package store at this location "not a responsible use of the space." He suggested that, contrary to the applicant's claim, the location would indeed become a "destination." Island resident Phil Gallagher echoed the comments of Mr. Provost and spoke from experience as a former convenience store employee about "drunks frequenting package stores." John Trudell, owner of the proposed location, spoke in support of the application and noted his openness to operating within the same constraints as other package stores, but indicated that the inclusion of alcohol is not critical to the operation of the store. Mr. Provost shared concerns about issues beyond the control of the manager and questioned the idea of selling alcohol near the schools on Nobadeer Farm Road. Mr. Chadwick and Mr. Kopko shared views for and against the application respectively. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the application. There being no second, Chairman Willauer indicated that the application was not approved and that no action would be taken.

Mr. Bennett noted the time and commented on the fine job of the Board this evening.

The meeting adjourned at 7:26 PM.

Approved the 6th day of September 2006.

